REMARKS

Claims 21-26, 38-48, 50-56, 68, and 80-86 are pending in the application.

Claims 21-26 have been cancelled herein.

Claims 38 and 68 are have been amended in order to remove the lettering in the claims. No new matter has been added.

Rejections under 35 U.S.C. §102

Claims 21-26 have now been rejected under 35 U.S.C. §102 as allegedly being anticipated over by Liu et al. (US 2005/0005044) (hereinafter Liu).

Claims 21-26 have been cancelled obviating the rejection.

Rejections under 35 U.S.C. §103

Claims 38-48 and 68 have now been rejected under 35 U.S.C. §103 as allegedly being obvious over by Liu and Kobayashi et al. and Edsall et al.

Applicant respectfully submits Kobayashi et al. is an improper reference since it has a filing date of January 7, 2004, which is after the filing date of the present application.

Claims 50-56 and 80-86 have now been rejected under 35 U.S.C. §103 as allegedly being obvious over by Liu and Edsall et al. (hereinafter Edsall).

With regard to the Liu reference applicant believes the reference in combination with Edsall fails to teach each and every claimed feature as discussed below. Furthermore, it appears the Office is relying on the provisional application of Liu for showing the claimed features because the non-provisional of Liu was filed after the filing date of the present application. However, it is not clear to applicant where the provisional application to Liu is actually teaching applicant's claimed features, nor is it clear that the provisional of Liu supports the rejection in the Office Action. If the rejection is to be maintained with Liu, it is respectfully requested that

the provisional application of Liu be cited and the Office Action point out where applicant's claimed features are found in the provisional application.

Furthermore, with regard to independent claims 50 and 80, each claim includes a similar feature of: determining, using a check-point list, the amount of data to be transferred via a network, wherein said check-point list further defines how data should be sent from an initiator host to said storage device.

The Office Action points to Liu as teaching these claimed features. However, it is respectfully submitted that Liu describes a SATA IO device that provides an interface to the storage devices. The SATA IO device operates according to the SATA protocol, which provides a native data transfer to the SATA I/O, i.e., each size of data chunk received from the host is transferred to the storage device.

That is, Liu does not teach <u>determining</u>, using a check-point list, <u>the amount of data to be transferred</u> and wherein said check-point list further defines how data should be sent from an initiator host to said storage device, as specifically claimed in claims 50 and 80.

As is claimed the check-point list is utilized in determining the amount of data and further defines how data should be sent from an initiator host to said storage device. Applicant respectfully submits that the features of the determining using such a check point list as claimed is not suggested in Liu or Edsall. Thus, it is respectfully submitted that the combination of Liu and Edsall fail to teach or suggest each and every claimed feature and this rejection should be withdrawn.

<u>Conclusion</u>

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. If there are any questions, the Examiner is respectfully

requested to call the undersigned attorney at the number listed below. While it is believed no further fee is due, please charge any additional fees associated with this application to Deposit Account No. 50-3894.

Respectfully submitted,

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